

GLOBE-MACKAY CABLE & RADIO CORPORATION AND ERNESTO Q. TORREJOS, PETITIONERS, VS. GEORGE G. BARRIOS AND OLGA THERESA CRUZ-BARRIOS, RESPONDENTS.

G.R. No. 60859, December 27, 1982

Ponente: MELENCIO-HERRERA, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-60859/>

MELENCIO-HERRERA, J.:

Ordinarily, the Petition for Review in this case would not merit being given due course because a close scrutiny of its allegations, the Comment of respondents thereon, and the Reply to said Comment shows that the issue of negligence involved is basically factual. However, we resolved to give partial due course in so far as the award of damages is concerned.

We agree that petitioner cable company should be faulted for having failed to deliver to respondent-spouses, both physicians, a cablegram from Mercy Hospi-tal, Buffalo, New York, admitting respondent-wife for a rotating internship in said hospital, as a conse-quence of which, she was unable to signify her accept-ance and the position was given to someone else. We agree with the finding of both the Trial Court and the Appellate Court that petitioner was grossly negligent in having admittedly failed to deliver the cablegram, particularly considering that respondents had received another telegram, identically addressed, delivered to them by Eastern Extension, another cable company. We also agree with the finding that such failure caused respondents financial difficulties in New York, due to loss of earnings for approximately six months, serious anxiety and sleepless nights, for which petitioner should be held liable, and which should be corrected for the public good. A tele-graph company is a public service corporation owing duties to the general public and is liable to any member of the public to whom it owes a duty for damages proximately flowing from a violation of that duty (*Western U. Tel. Co. vs. Ramsey*, 88 SW 2d 675; *Western Union Tel. Co. vs. Caldwell*, 102 SW 840, 74 Am. Jur., p. 444).

We find, however the award of damages made by the Trial Court and affirmed by the Court of Appeals to be excessive. The damages granted were as follows:

"x x x

"1. An amount in Philippine currency equivalent to 5,417 US dollars computed at the prevailing exchange rate on July 31, 1973, the date when the complaint in the ins-tant case was filed, as actual damages;

2. The amount of P50,000.00 as moral damages;

3. The amount of P50,000.00 as exemplary damages; and

4. The amount of P10,000.00 for and as attorney's fees.

xxx xxxx"

Taking into account the facts and circumstances, that petitioner is a quasi-public corporation affec-ted with public interest (*Flynn vs. Western U. Teleg. Co.* 225 NW 242; *Western U. Teleg. Co. vs. Cowin*, 20 F 2d 103, 74 Am.

Jur. 2d, p. 301), that respondents would have had to incur living and sundry expenses, thereby reducing the net earnings which they would have received (see *Villa Rey Transit, Inc. vs. Court of Appeals, et al.*, 31 SCRA 551 [1970]), and that re-spondent wife succeeded in securing another better-paying job approximately six months afterwards, the judgment should be modified by reducing the amounts granted.

ACCORDINGLY, the Decision appealed from is hereby modified by reducing the award of: a) actual damages, to the equivalent of \$2,703.00 in Philippine currency at the prevailing exchange rate as of July 31, 1973; b) moral damages, to P5,000.00; c) exemplary damages, to P5,000.00; and d) attorney's fees, to P8,000.00. In all other respects, the judgment is affirmed.

No costs.

SO ORDERED.

Teehankee, (Chairman), Plana, Vasquez, Relova, and Gutierrez, Jr., JJ., concur.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.